

In the Senate of the United States,

December 14, 2011.

Resolved, That the bill from the House of Representatives (H.R. 1892) entitled ``An Act to authorize appropriations for fiscal year 2012 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.'', do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) SHORT TITLE.—This Act may be cited as the ``In-
3 telligence Authorization Act for Fiscal Year 2012''.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; Table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.

- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Annual report on hiring of National Security Education Program participants.
- Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.
- Sec. 305. Preparation of nuclear proliferation assessment statements.
- Sec. 306. Cost estimates.
- Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 309. Enhanced procurement authority to manage supply chain risk.
- Sec. 310. Burial allowance.
- Sec. 311. Modification of certain reporting requirements.
- Sec. 312. Review of strategic and competitive analysis conducted by the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Intelligence community assistance to counter drug trafficking organizations using public lands.
- Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.
- Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.
- Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.
- Sec. 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

- Sec. 411. Acceptance of gifts.
- Sec. 412. Foreign language proficiency requirements for Central Intelligence Agency officers.
- Sec. 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency.
- Sec. 414. Creating an official record of the Osama bin Laden operation.
- Sec. 415. Recruitment of personnel in the Office of the Inspector General.

Subtitle C—National Security Agency

- Sec. 421. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

- Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.
- Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.
- Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.
- Sec. 434. Report on training standards of defense intelligence workforce.

TITLE V—OTHER MATTERS

- Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.
- Sec. 502. Sense of Congress regarding integration of fusion centers.
- Sec. 503. Strategy to counter improvised explosive devices.
- Sec. 504. Sense of Congress regarding the priority of railway transportation security.
- Sec. 505. Technical amendments to the National Security Act of 1947.
- Sec. 506. Technical amendments to title 18, United States Code.
- Sec. 507. Budgetary effects.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
 4 TEES.—The term “congressional intelligence commit-
 5 tees” means—

6 (A) the Select Committee on Intelligence of
 7 the Senate; and

8 (B) the Permanent Select Committee on In-
 9 telligence of the House of Representatives.

10 (2) INTELLIGENCE COMMUNITY.—The term “in-
 11 telligence community” has the meaning given that
 12 term in section 3(4) of the National Security Act of
 13 1947 (50 U.S.C. 401a(4)).

1 ***TITLE I—INTELLIGENCE***
2 ***ACTIVITIES***

3 ***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

4 Funds are hereby authorized to be appropriated for fis-
5 cal year 2012 for the conduct of the intelligence and int
6 lligence-related activities of the following elements of
7 United States Government:

8 (1) The Office of the Director of National Intel-
9 lligence.

10 (2) The Central Intelligence Agency.

11 (3) The Department of Defense.

12 (4) The Defense Intelligence Agency.

13 (5) The National Security Agency.

14 (6) The Department of the Army, the Depart-
15 ment of the Navy, and the Department of the Air
16 Force.

17 (7) The Coast Guard.

18 (8) The Department of State.

19 (9) The Department of the Treasury.

20 (10) The Department of Energy.

21 (11) The Department of Justice.

22 (12) The Federal Bureau of Investigation.

23 (13) The Drug Enforcement Administration.

24 (14) The National Reconnaissance Office.

1 (15) The National Geospatial-Intelligence Agen-
2 cy.

3 (16) The Department of Homeland Security.

4 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

5 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
6 LEVELS.—The amounts authorized to be appropriated
7 under section 101 and, subject to section 103, the authoriz-
8 personnel ceilings as of September 30, 2012, for the condu-
9 of the intelligence activities of the elements listed in
10 graphs (1) through (16) of section 101, are those specifi-
11 in the classified Schedule of Authorizations prepared to a-
12 company the bill H.R. 1892 of the One Hundred Twelfth
13 Congress.

14 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
15 THORIZATIONS.—

16 (1) AVAILABILITY TO COMMITTEES OF CON-
17 GRESS.—The classified Schedule of Authorizations re-
18 ferred to in subsection (a) shall be made available to
19 the Committee on Appropriations of the Senate, the
20 Committee on Appropriations of the House of Rep-
21 resentatives, and to the President.

22 (2) DISTRIBUTION BY THE PRESIDENT.—Subject
23 to paragraph (3), the President shall provide for suit-
24 able distribution of the classified Schedule of Author-

1 izations, or of appropriate portions of the Schedule,
2 within the executive branch.

3 (3) LIMITS ON DISCLOSURE.—The President
4 shall not publicly disclose the classified Schedule c
5 Authorizations or any portion of such Schedule ex-
6 cept—

7 (A) as provided in section 601(a) of the Im-
8 plementing Recommendations of the 9/11 Com-
9 mission Act of 2007 (50 U.S.C. 415c)

10 (B) to the extent necessary to implement the
11 budget; or

12 (C) as otherwise required by law.

13 (c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE
14 CLASSIFIED ANNEX.—In addition to any other purpose au-
15 thorized by law, the Director of the Federal Bureau of Inve-
16 stigation may expend funds authorized in this Act as speci-
17 fied in the Federal Bureau of Investigation Policy Imple-
18 mentation section of the classified annex accompanying this
19 Act.

20 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

21 (a) AUTHORITY FOR INCREASES.—The Director of Na-
22 tional Intelligence may authorize the employment of civil-
23 ian personnel in excess of the number of full-time equiva-
24 lent positions for fiscal year 2012 authorized by the classifi-
25 Schedule of Authorizations referred to in section 102(a)

1 the Director of National Intelligence determines that such
2 action is necessary for the performance of important intel-
3 ligence functions, except that the number of personnel em-
4 ployed in excess of the number authorized under such sec-
5 tion may not, for any element of the intelligence commu-
6 nity, exceed 3 percent of the number of civilian personnel
7 authorized under such section for such element.

8 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES PER-
9 FORMED BY CONTRACT PERSONNEL.—

10 (1) IN GENERAL.—In addition to the authority
11 in subsection (a) and subject to paragraph (2), if the
12 head of an element of the intelligence community
13 makes a determination that activities currently being
14 performed by contract personnel should be performed
15 by employees of such element, the Director of National
16 Intelligence, in order to reduce a comparable number
17 of contract personnel, may authorize for that purpose
18 employment of additional full-time equivalent per-
19 sonnel in such element equal to the number of full-
20 time equivalent contract personnel performing such
21 activities.

22 (2) CONCURRENCE AND APPROVAL.—The author-
23 ity described in paragraph (1) may not be exercised
24 unless the Director of National Intelligence concurs
25 with the determination described in such paragraph.

1 (c) TREATMENT OF CERTAIN PERSONNEL.—The Direc-
 2 tor of National Intelligence shall establish guidelines to
 3 govern, for each element of the intelligence community, the
 4 treatment under the personnel levels authorized under sec-
 5 tion 102(a), including any exemption from such personnel
 6 levels, of employment or assignment—

7 (1) in a student program, trainee program, or
 8 similar program;

9 (2) in a reserve corps or as a reemployed annu-
 10 itant; or

11 (3) in details, joint duty, or long-term, full-time
 12 training.

13 (d) NOTICE TO CONGRESSIONAL INTELLIGENCE COM-
 14 MITTEES.—The Director of National Intelligence shall no-
 15 tify the congressional intelligence committees in writing
 16 least 15 days prior to the initial exercise of an author-
 17 described in subsection (a) or (b).

18 ***SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-***

19 ***COUNT.***

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 21 authorized to be appropriated for the Intelligence Commu-
 22 nity Management Account of the Director of National Intel-
 23 ligence for fiscal year 2012 the sum of \$576,393,000. Withi-
 24 such amount, funds identified in the classified Schedule of
 25 Authorizations referred to in section 102(a) for advanced

1 research and development shall remain available until Sep-
2 tember 30, 2013.

3 (b) AUTHORIZED PERSONNEL LEVELS.—The elements
4 within the Intelligence Community Management Account of
5 the Director of National Intelligence are authorized 777
6 full-time or full-time equivalent personnel as of September
7 30, 2012. Personnel serving in such elements may be perma-
8 nent employees of the Office of the Director of National I
9 telligence or personnel detailed from other elements of t
10 United States Government.

11 (c) CLASSIFIED AUTHORIZATIONS.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—In
13 addition to amounts authorized to be appropriated
14 for the Intelligence Community Management Account
15 by subsection (a), there are authorized to be appro-
16 priated for the Community Management Account for
17 fiscal year 2012 such additional amounts as are spec-
18 ified in the classified Schedule of Authorizations re-
19 ferred to in section 102(a). Such additional amounts
20 for advanced research and development shall remain
21 available until September 30, 2013.

22 (2) AUTHORIZATION OF PERSONNEL.—In addi-
23 tion to the personnel authorized by subsection (b) for
24 elements of the Intelligence Community Management
25 Account as of September 30, 2012, there are author-

1 ized such additional personnel for the Community
2 Management Account as of that date as are specified
3 in the classified Schedule of Authorizations referred to
4 in section 102(a).

5 ***TITLE II—CENTRAL INTELLIGENCE AGENCY RETIRE-***
6 ***MENT AND DISABILITY SYS-***
7 ***TEM***

9 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

10 There is authorized to be appropriated for the Central
11 Intelligence Agency Retirement and Disability Fund for fis-
12 cal year 2012 the sum of \$514,000,000.

13 ***TITLE III—GENERAL***
14 ***PROVISIONS***

15 ***SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND***
16 ***BENEFITS AUTHORIZED BY LAW.***

17 Appropriations authorized by this Act for salary, pay,
18 retirement, and other benefits for Federal employees may
19 be increased by such additional or supplemental amounts
20 as may be necessary for increases in such compensation or
21 benefits authorized by law.

22 ***SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE***
23 ***ACTIVITIES.***

24 The authorization of appropriations by this Act shall
25 not be deemed to constitute authority for the conduct of a

1 intelligence activity which is not otherwise authorized by
 2 the Constitution or the laws of the United States.

3 ***SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECUR-***

4 ***ITY EDUCATION PROGRAM PARTICIPANTS.***

5 Not later than 90 days after the end of each of fiscal
 6 years 2012, 2013, and 2014, the head of each element of
 7 the intelligence community shall submit to the congressional
 8 intelligence committees a report, which may be in classified
 9 form, containing the number of personnel hired by such ele-
 10 ment during such fiscal year that were at any time a recipi-
 11 ent of a grant or scholarship under the David L. Boren
 12 National Security Education Act of 1991 (50 U.S.C. 1901
 13 et seq.).

14 ***SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE***

15 ***PERSONNEL MANAGEMENT AMONG THE ELE-***

16 ***MENTS OF THE INTELLIGENCE COMMUNITY.***

17 Section 102A of the National Security Act of 1947 (50
 18 U.S.C. 403-1) is amended by adding at the end the fol-
 19 lowing new subsection:

20 `` (v) AUTHORITY TO ESTABLISH POSITIONS IN EX-

21 CEPTED SERVICE.—(1) The Director of National Intel-

22 ligence, with the concurrence of the head of the covered
 23 department concerned and in consultation with the Director
 24 of the Office of Personnel Management, may—

1 “(A) convert competitive service positions, and
 2 the incumbents of such positions, within an element
 3 of the intelligence community in such department, to
 4 excepted service positions as the Director of National
 5 Intelligence determines necessary to carry out the in-
 6 telligence functions of such element; and

7 “(B) establish new positions in the excepted serv-
 8 ice within an element of the intelligence community
 9 in such department, if the Director of National Intel-
 10 ligence determines such positions are necessary to
 11 carry out the intelligence functions of such element.

12 “(2) An incumbent occupying a position on the date
 13 of the enactment of the Intelligence Authorization Act for
 14 Fiscal Year 2012 selected to be converted to the excepted
 15 service under this section shall have the right to refuse
 16 conversion. Once such individual no longer occupies the po-
 17 sition, the position may be converted to the excepted serv-

18 “(3) In this subsection, the term ‘covered department
 19 means the Department of Energy, the Department of Home-
 20 land Security, the Department of State, or the Department
 21 of the Treasury.’’.

22 ***SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION AS-***
 23 ***SESSMENT STATEMENTS.***

24 Section 102A of the National Security Act of 1947 (50
 25 U.S.C. 403-1), as amended by section 304 of this Act, is

1 further amended by adding at the end the following new
2 subsection:

3 ``(w) NUCLEAR PROLIFERATION ASSESSMENT STATE-
4 MENTS INTELLIGENCE COMMUNITY ADDENDUM.—The Di-
5 rector of National Intelligence, in consultation with the
6 heads of the appropriate elements of the intelligence commu-
7 nity and the Secretary of State, shall provide to the Pres-
8 dent, the congressional intelligence committees, the Com-
9 mittee on Foreign Affairs of the House of Representatives
10 and the Committee on Foreign Relations of the Senate an
11 addendum to each Nuclear Proliferation Assessment State-
12 ment accompanying a civilian nuclear cooperation agree-
13 ment, containing a comprehensive analysis of the country's
14 export control system with respect to nuclear-related mat-
15 ters, including interactions with other countries of pro-
16 liferation concern and the actual or suspected nuclear, dual
17 use, or missile-related transfers to such countries.''.
18

18 ***SEC. 306. COST ESTIMATES.***

19 (a) IN GENERAL.—Section 506A of the National Secu-
20 rity Act of 1947 (50 U.S.C. 415a-1) is amended—

21 (1) in subsection (a)(2)—

22 (A) by inserting ``(A)'' after ``(2)''; and

23 (B) by adding at the end the following new
24 subparagraph:

1 “(B) For major system acquisitions requiring a service
2 or capability from another acquisition or program to de-
3 liver the end-to-end functionality for the intelligence c-
4 munity end users, independent cost estimates shall include
5 to the maximum extent practicable, all estimated costs
6 across all pertinent elements of the intelligence community.
7 For collection programs, such cost estimates shall includ-
8 the cost of new analyst training, new hardware and soft-
9 ware for data exploitation and analysis, and any unique
10 or additional costs for data processing, storing, and power
11 space, and cooling across the life cycle of the program.
12 such costs for processing, exploitation, dissemination, and
13 storage are scheduled to be executed in other elements of
14 intelligence community, the independent cost estimate shall
15 identify and annotate such costs for such other elements a-
16 cordingly.”; and

17 (2) in subsection (e)(2)–

18 (A) by inserting “(A)” after “(2)”;

19 (B) in subparagraph (A), as so designated,
20 by striking “associated with the acquisition of a
21 major system,” and inserting “associated with
22 the development, acquisition, procurement, oper-
23 ation, and sustainment of a major system across
24 its proposed life cycle,”; and

25 (C) by adding at the end the following:

1 ``(B) In accordance with subsection (a)(2)(B),
 2 each independent cost estimate shall include all costs
 3 required across elements of the intelligence community
 4 to develop, acquire, procure, operate, and sustain the
 5 system to provide the end-to-end intelligence
 6 functionality of the system, including—

7 ``(i) for collection programs, the cost of new
 8 analyst training, new hardware and software for
 9 data exploitation and analysis, and any unique
 10 or additional costs for data processing, storing,
 11 and power, space, and cooling across the life
 12 cycle of the program; and

13 ``(ii) costs for processing, exploitation, dis-
 14 semination, and storage scheduled to be executed
 15 in other elements of the intelligence commu-
 16 nity.''.
 17

18 (b) EFFECTIVE DATE.—The amendments made by this
 19 section shall take effect on the date that is 180 days a
 20 the date of the enactment of this Act.

21 ***SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TER-***
 22 ***RORIST RECIDIVISM OF DETAINEES HELD AT***
 23 ***UNITED STATES NAVAL STATION, GUANTA-***
 24 ***NAMO BAY, CUBA.***

(a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

1 (1) IN GENERAL.—Title V of the National Secu-
2 rity Act of 1947 (50 U.S.C. 413 et seq.) is amended
3 by inserting after section 506H the following new sec-
4 tion:

5 ``SUMMARY OF INTELLIGENCE RELATING TO TERRORIST

6 RECIDIVISM OF DETAINEES HELD AT UNITED STATES

7 NAVAL STATION, GUANTANAMO BAY, CUBA

8 ``SEC. 506I. (a) IN GENERAL.—The Director of Na-
9 tional Intelligence, in consultation with the Director of
10 Central Intelligence Agency and the Director of the Defens
11 Intelligence Agency, shall make publicly available an un-
12 classified summary of—

13 ``(1) intelligence relating to recidivism of detain
14 ees currently or formerly held at the Naval Detention
15 Facility at Guantanamo Bay, Cuba, by the Depart-
16 ment of Defense; and

17 ``(2) an assessment of the likelihood that such de-
18 tainees will engage in terrorism or communicate with
19 persons in terrorist organizations.

20 ``(b) UPDATES.—Not less frequently than once every 6
21 months, the Director of National Intelligence, in consulta
22 tion with the Director of the Central Intelligence Agency
23 and the Secretary of Defense, shall update and make pub-
24 licly available an unclassified summary consisting of the
25 information required by subsection (a) and the number of
26 individuals formerly detained at Naval Station, Guanta-

1 namo Bay, Cuba, who are confirmed or suspected of return-
 2 ing to terrorist activities after release or transfer from
 3 Naval Station.''.
 4

5 (2) INITIAL UPDATE.—The initial update re-
 6 quired by section 506I(b) of such Act, as added by
 7 paragraph (1) of this subsection, shall be made pub-
 8 licly available not later than 10 days after the date
 9 the first report following the date of the enactment of
 10 the Intelligence Authorization Act for Fiscal Year
 11 2012 is submitted to members and committees of Con-
 12 gress pursuant to section 319 of the Supplemental Ap-
 13 propriations Act, 2009 (Public Law 111-32; 10
 14 U.S.C. 801 note).

15 (b) TABLE OF CONTENTS AMENDMENT.—The table of
 16 contents in the first section of the National Security A
 17 of 1947 is amended by inserting after the item relating to
 18 section 506H the following new item:

19 ``Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees
 20 held at United States Naval Station, Guantanamo Bay, Cuba.''.
 21

22 **SEC. 308. NOTIFICATION OF TRANSFER OF A DETAINEE**

23 **HELD AT UNITED STATES NAVAL STATION,**

24 **GUANTANAMO BAY, CUBA.**

25 (a) REQUIREMENT FOR NOTIFICATION.—The President
 26 shall submit to Congress, in classified form, at least 30 d
 27 prior to the transfer or release of an individual detain
 28 at Naval Station, Guantanamo Bay, Cuba, as of June 24,

1 2009, to the country of such individual's nationality or la
2 habitual residence or to any other foreign country or to
3 freely associated State the following information:

4 (1) The name of the individual to be transferred
5 or released.

6 (2) The country or the freely associated State to
7 which such individual is to be transferred or released

8 (3) The terms of any agreement with the country
9 or the freely associated State for the acceptance of
10 such individual, including the amount of any finan-
11 cial assistance related to such agreement.

12 (4) The agencies or departments of the United
13 States responsible for ensuring that the agreement de-
14 scribed in paragraph (3) is carried out.

15 (b) DEFINITION.—In this section, the term ``freely as-
16 sociated States'' means the Federated States of Micronesia
17 the Republic of the Marshall Islands, and the Republic of
18 Palau.

19 (c) CONSTRUCTION WITH OTHER REQUIREMENTS.—

20 Nothing in this section shall be construed to supersede o
21 otherwise affect the following provisions of law:

22 (1) Section 1028 of the National Defense Author-
23 ization Act for Fiscal Year 2012.

24 (2) Section 8120 of the Department of Defense
25 Appropriations Act, 2012.

1 **SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MAN-**

2 **AGE SUPPLY CHAIN RISK.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED AGENCY.—The term ``covered agen-
5 cy'' means any element of the intelligence community
6 other than an element within the Department of De-
7 fense.

8 (2) COVERED ITEM OF SUPPLY.—The term ``cov-
9 ered item of supply'' means an item of information
10 technology (as that term is defined in section 11101
11 of title 40, United States Code) that is purchased for
12 inclusion in a covered system, and the loss of integ-
13 rity of which could result in a supply chain risk for
14 a covered system.

15 (3) COVERED PROCUREMENT.—The term ``cov-
16 ered procurement'' means—

17 (A) a source selection for a covered system
18 or a covered item of supply involving either a
19 performance specification, as provided in section
20 3306(a)(3)(B) of title 41, United States Code, or
21 an evaluation factor, as provided in section
22 3306(b)(1) of such title, relating to supply chain
23 risk;

24 (B) the consideration of proposals for and
25 issuance of a task or delivery order for a covered
26 system or a covered item of supply, as provided

1 in section 4106(d)(3) of title 41, United States
2 Code, where the task or delivery order contract
3 concerned includes a contract clause establishing
4 a requirement relating to supply chain risk; or

5 (C) any contract action involving a con-
6 tract for a covered system or a covered item of
7 supply where such contract includes a clause es-
8 tablishing requirements relating to supply chain
9 risk.

10 (4) COVERED PROCUREMENT ACTION.—The term
11 ‘‘covered procurement action’’ means any of the fol-
12 lowing actions, if the action takes place in the cours-
13 of conducting a covered procurement:

14 (A) The exclusion of a source that fails to
15 meet qualifications standards established in ac-
16 cordance with the requirements of section 3311 of
17 title 41, United States Code, for the purpose of
18 reducing supply chain risk in the acquisition of
19 covered systems.

20 (B) The exclusion of a source that fails to
21 achieve an acceptable rating with regard to an
22 evaluation factor providing for the consideration
23 of supply chain risk in the evaluation of pro-
24 posals for the award of a contract or the issuance
25 of a task or delivery order.

1 (C) The decision to withhold consent for a
2 contractor to subcontract with a particular
3 source or to direct a contractor for a covered sys-
4 tem to exclude a particular source from consider-
5 ation for a subcontract under the contract.

6 (5) COVERED SYSTEM.—The term ``covered sys-
7 tem'' means a national security system, as that term
8 is defined in section 3542(b) of title 44, United States
9 Code.

10 (6) SUPPLY CHAIN RISK.—The term ``supply
11 chain risk'' means the risk that an adversary may
12 sabotage, maliciously introduce unwanted function, or
13 otherwise subvert the design, integrity, manufac-
14 turing, production, distribution, installation, oper-
15 ation, or maintenance of a covered system so as to
16 surveil, deny, disrupt, or otherwise degrade the func-
17 tion, use, or operation of such system.

18 (b) AUTHORITY.—Subject to subsection (c) and in con-
19 sultation with the Director of National Intelligence, the
20 head of a covered agency may, in conducting intelligence
21 and intelligence-related activities—

22 (1) carry out a covered procurement action; and

23 (2) limit, notwithstanding any other provision of
24 law, in whole or in part, the disclosure of information

1 relating to the basis for carrying out a covered pro-
2 curement action.

3 (c) DETERMINATION AND NOTIFICATION.—The head of
4 a covered agency may exercise the authority provided in
5 subsection (b) only after—

6 (1) any appropriate consultation with procure-
7 ment or other relevant officials of the covered agency

8 (2) making a determination in writing, which
9 may be in classified form, that—

10 (A) use of the authority in subsection (b)(1)
11 is necessary to protect national security by re-
12 ducing supply chain risk;

13 (B) less intrusive measures are not reason-
14 ably available to reduce such supply chain risk;
15 and

16 (C) in a case where the head of the covered
17 agency plans to limit disclosure of information
18 under subsection (b)(2), the risk to national secu-
19 rity due to the disclosure of such information
20 outweighs the risk due to not disclosing such in-
21 formation;

22 (3) notifying the Director of National Intel-
23 ligence that there is a significant supply chain risk
24 to the covered system concerned, unless the head of the

1 covered agency making the determination is the Di-
2 rector of National Intelligence; and

3 (4) providing a notice, which may be in classi-
4 fied form, of the determination made under para-
5 graph (2) to the congressional intelligence committees
6 that includes a summary of the basis for the deter-
7 mination, including a discussion of less intrusive
8 measures that were considered and why they were not
9 reasonably available to reduce supply chain risk.

10 (d) DELEGATION.—The head of a covered agency may
11 not delegate the authority provided in subsection (b) or t
12 responsibility to make a determination under subsection (c)
13 to an official below the level of the service acquisition o
14 tive for the agency concerned.

15 (e) SAVINGS.—The authority under this section is in
16 addition to any other authority under any other provision
17 of law. The authority under this section shall not be co
18 strued to alter or effect the exercise of any other provi
19 of law.

20 (f) EFFECTIVE DATE.—The requirements of this sec-
21 tion shall take effect on the date that is 180 days after
22 date of the enactment of this Act and shall apply to con
23 tracts that are awarded on or after such date.

24 (g) SUNSET.—The authority provided in this section
25 shall expire on the date that section 806 of the Ike Skel

1 National Defense Authorization Act for Fiscal Year 2011
2 (Public Law 111-383; 10 U.S.C. 2304 note) expires.

3 **SEC. 310. BURIAL ALLOWANCE.**

4 (a) AUTHORIZATION TO PROVIDE.—

5 (1) IN GENERAL.—The head of an agency or de-
6 partment containing an element of the intelligence
7 community may pay to the estate of a decedent de-
8 scribed in paragraph (2) a burial allowance at the re-
9 quest of a representative of such estate, as determine
10 in accordance with the laws of a State.

11 (2) DESCRIPTION.—A decedent described in this
12 paragraph is an individual—

13 (A) who served as a civilian officer or em-
14 ployee of such an agency or department;

15 (B) who died as a result of an injury in-
16 curred during such service; and

17 (C) whose death—

18 (i) resulted from hostile or terrorist ac-
19 tivities; or

20 (ii) occurred in connection with an in-
21 telligence activity having a substantial ele-
22 ment of risk.

23 (b) USE OF BURIAL ALLOWANCE.—A burial allowance
24 paid under subsection (a) may be used to reimburse such
25 estate for burial expenses, including recovery, mortuary, f

1 neral, or memorial service, cremation, burial costs, and
2 costs of transportation by common carrier to the place se-
3 lected for final disposition of the decedent.

4 (c) AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP
5 TO OTHER PROVISIONS.—A burial allowance paid under
6 subsection (a) shall be—

7 (1) in an amount not greater than—

8 (A) the maximum reimbursable amount al-
9 lowed under Department of Defense Instruction
10 1344.08 or successor instruction; plus

11 (B) the actual costs of transportation re-
12 ferred to in subsection (b); and

13 (2) in addition to any other benefit permitted
14 under any other provision of law, including funds
15 that may be expended as specified in the General Pro-
16 visions section of the classified annex accompanying
17 this Act.

18 (d) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Director of the Office
20 Personnel Management, in consultation with the Director
21 of National Intelligence, the Secretary of Labor, and the
22 Secretary of Defense, shall submit to Congress a report on
23 the feasibility of implementing legislation to provide for
24 burial allowances at a level which adequately addresses the
25 cost of burial expenses and provides for equitable treatment

1 when an officer or employee of a Federal agency or depart-
 2 ment dies as the result of an injury sustained in the pe-
 3 formance of duty.

4 ***SEC. 311. MODIFICATION OF CERTAIN REPORTING RE-***
 5 ***QUIREMENTS.***

6 (a) INTELLIGENCE REFORM AND TERRORISM PREVEN-
 7 TION ACT OF 2004.—Section 1041(b) of the Intelligence Re-
 8 form and Terrorism Prevention Act of 2004 (50 U.S.C.
 9 403-1b(b)) is amended by striking paragraphs (3) and (4).

10 (b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
 11 YEAR 2003.—Section 904(d)(1) of the Intelligence Author-
 12 ization Act for Fiscal Year 2003 (50 U.S.C. 402c(d)(1)) is
 13 amended by striking ``on an annual basis''.

14 (c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
 15 YEAR 1995.—Section 809 of the Intelligence Authorization
 16 Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amend-
 17 ed—

18 (1) by striking subsection (b); and

19 (2) in subsection (c), by striking ``reports re-
 20 ferred to in subsections (a) and (b)'' and inserting
 21 ``report referred to in subsection (a)''.

22 (d) REPORT ON TEMPORARY PERSONNEL AUTHORIZA-
 23 TIONS FOR CRITICAL LANGUAGE TRAINING.—Paragraph
 24 (3)(D) of section 102A(e) of the National Security Act of
 25 1947 (50 U.S.C. 403-1(e)), as amended by section 306 of

1 the Intelligence Authorization Act for Fiscal Year 2010
2 (Public Law 111-259; 124 Stat. 2661), is amended by strik-
3 ing ``The'' and inserting ``For each of the fiscal years 2
4 2011, and 2012, the''.

5 **SEC. 312. REVIEW OF STRATEGIC AND COMPETITIVE ANAL-**
6 **YSIS CONDUCTED BY THE INTELLIGENCE**
7 **COMMUNITY.**

8 (a) REVIEW.—The Director of National Intelligence
9 shall direct the Director's Senior Advisory Group to conduct
10 a comprehensive review of the strategic and competitive
11 analysis of international terrorism and homegrown violent
12 extremism conducted by elements of the intelligence commu-
13 nity during the 12 month period beginning on the date of
14 the enactment of this Act.

15 (b) RECOMMENDATIONS.—Not later than 15 months
16 after the date of the enactment of this Act, the Director
17 the National Intelligence shall submit to the congressional
18 intelligence committees—

19 (1) a report on the results of the review con-
20 ducted under subsection (a); and

21 (2) any actions taken by the Director to imple-
22 ment the recommendations, if any, of the Director's
23 Senior Advisory Group based on such results.

1 ***TITLE IV—MATTERS RELATING***
 2 ***TO ELEMENTS OF THE INTEL-***
 3 ***LIGENCE COMMUNITY***

4 ***Subtitle A—Office of the Director of***
 5 ***National Intelligence***

6 ***SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO***
 7 ***COUNTER DRUG TRAFFICKING ORGANIZA-***
 8 ***TIONS USING PUBLIC LANDS.***

9 (a) CONSULTATION.—The Director of National Intel-
 10 ligence shall consult with the heads of the Federal lan-
 11 management agencies on the appropriate actions the intel-
 12 ligence community can take to assist such agencies in re-
 13 sponding to the threat from covered entities that are cur-
 14 rently or have previously used public lands in the United
 15 States to further the operations of such entities.

16 (b) REPORT.—Not later than 180 days after the date
 17 of the enactment of this Act, the Director of National Int-
 18 ligence shall submit to the congressional intelligence co-
 19 mittees, the Committee on the Judiciary of the Senate, and
 20 the Committee on the Judiciary of the House of Representa-
 21 tives a report on the results of the consultation under s-
 22 section (a). Such report shall include—

23 (1) an assessment of the intelligence community
 24 collection efforts dedicated to covered entities, incl-
 25 ing any collection gaps or inefficiencies; and

1 (2) an assessment of the ability of the intel-
2 ligence community to assist Federal land manage-
3 ment agencies in identifying and protecting public
4 lands from illegal drug grows and other activities and
5 threats of covered entities, including through the shar-
6 ing of intelligence information.

7 (c) DEFINITIONS.—In this section:

8 (1) COVERED ENTITY.—The term ``covered enti-
9 ty'' means an international drug trafficking organi-
10 zation or other actor involved in drug trafficking gen-
11 erally.

12 (2) FEDERAL LAND MANAGEMENT AGENCY.—The
13 term ``Federal land management agency'' includes—

14 (A) the Forest Service of the Department of
15 Agriculture;

16 (B) the Bureau of Land Management of the
17 Department of the Interior;

18 (C) the National Park Service of the De-
19 partment of the Interior;

20 (D) the Fish and Wildlife Service of the De-
21 partment of the Interior; and

22 (E) the Bureau of Reclamation of the De-
23 partment of the Interior.

1 (3) PUBLIC LANDS.—The term ``public lands``
 2 means land under the management of a Federal land
 3 management agency.

4 ***SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORT-***

5 ***ING REQUIREMENTS TO THE OFFICE OF THE***
 6 ***DIRECTOR OF NATIONAL INTELLIGENCE.***

7 For each of the fiscal years 2010, 2011, and 2012, the
 8 requirements of section 3515 of title 31, United States Code
 9 to submit an audited financial statement shall not apply
 10 to the Office of the Director of National Intelligence if
 11 Director of National Intelligence determines and notifies
 12 Congress that audited financial statements for such years
 13 for such Office cannot be produced on a cost-effective basis.

14 ***SEC. 403. PUBLIC AVAILABILITY OF INFORMATION REGARD-***

15 ***ING THE INSPECTOR GENERAL OF THE IN-***
 16 ***TELLIGENCE COMMUNITY.***

17 Section 103H of the National Security Act of 1947 (50
 18 U.S.C. 403-3h) is amended by adding at the end the fol-
 19 lowing new subsection:

20 ``(o) INFORMATION ON WEBSITE.—(1) The Director of
 21 National Intelligence shall establish and maintain on the
 22 homepage of the publicly accessible website of the Office
 23 the Director of National Intelligence information relating
 24 to the Office of the Inspector General of the Intelligence

1 Community including methods to contact the Inspector
2 General.

3 “(2) The information referred to in paragraph (1)
4 shall be obvious and facilitate accessibility to the infor-
5 mation related to the Office of the Inspector General of
6 Intelligence Community.”.

7 ***SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMA-***

8 ***TION OFFICER IN THE EXECUTIVE SCHED-***

9 ***ULE.***

10 Section 5315 of title 5, United States Code, is amended
11 by inserting after the item relating to the Chief Information
12 Officer, Small Business Administration the following new
13 item:

14 “Chief Information Officer of the Intelligence
15 Community.”.

16 ***SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES***

17 ***WITHIN OFFICE OF THE DIRECTOR OF NA-***

18 ***TIONAL INTELLIGENCE.***

19 Section 103 of the National Security Act of 1947 (50
20 U.S.C. 403-3) is amended—

21 (1) by redesignating subsection (e) as subsection
22 (f); and

23 (2) by inserting after subsection (d) the following
24 new subsection:

1 “(e) TEMPORARY FILLING OF VACANCIES.—With re-
 2 spect to filling temporarily a vacancy in an office within
 3 the Office of the Director of National Intelligence (other
 4 than that of the Director of National Intelligence), section
 5 3345(a)(3) of title 5, United States Code, may be applied—

6 “(1) in the matter preceding subparagraph (A),
 7 by substituting ‘an element of the intelligence commu-
 8 nity, as that term is defined in section 3(4) of the Na-
 9 tional Security Act of 1947 (50 U.S.C. 401a(4)),’ for
 10 ‘such Executive agency’; and

11 “(2) in subparagraph (A), by substituting ‘the
 12 intelligence community’ for ‘such agency’.”.

13 ***Subtitle B—Central Intelligence***
 14 ***Agency***

15 ***SEC. 411. ACCEPTANCE OF GIFTS.***

16 Section 12 of the Central Intelligence Agency Act of
 17 1949 (50 U.S.C. 4031(a)) is amended—

18 (1) in subsection (a)—

19 (A) by inserting “(1)” after “(a)”; and

20 (B) by striking the second and third sen-
 21 tences and inserting the following:

22 “(2) Any gift accepted under this section (and any in-
 23 come produced by any such gift)—

24 “(A) may be used only for—”

25 “(i) artistic display;

1 ``(ii) purposes relating to the general wel-
2 fare, education, or recreation of employees or de-
3 pendents of employees of the Agency or for simi-
4 lar purposes; or

5 ``(iii) purposes relating to the welfare, edu-
6 cation, or recreation of an individual described
7 in paragraph (3); and

8 ``(B) under no circumstances may such a gift (or
9 any income produced by any such gift) be used for
10 operational purposes.

11 ``(3) An individual described in this paragraph is an
12 individual who—

13 ``(A) is an employee or a former employee of the
14 Agency who suffered injury or illness while employed
15 by the Agency that—

16 ``(i) resulted from hostile or terrorist activi-
17 ties;

18 ``(ii) occurred in connection with an intel-
19 ligence activity having a significant element of
20 risk; or

21 ``(iii) occurred under other circumstances
22 determined by the Director to be analogous to the
23 circumstances described in clause (i) or (ii);

24 ``(B) is a family member of such an employee or
25 former employee; or

1 “(C) is a surviving family member of an em-
2 ployee of the Agency who died in circumstances de-
3 scribed in clause (i), (ii), or (iii) of subparagraph
4 (A) .

5 “(4) The Director may not accept any gift under this
6 section that is expressly conditioned upon any expenditure
7 not to be met from the gift itself or from income produced
8 by the gift unless such expenditure has been authorized by
9 law.

10 “(5) The Director may, in the Director’s discretion,
11 determine that an individual described in subparagraph
12 (A) or (B) of paragraph (3) may accept a gift for the purposes
13 described in paragraph (2)(A)(iii).’’; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(f) The Director, in consultation with the Director of
17 the Office of Government Ethics, shall issue regulations
18 to carry out the authority provided in this section. Such regu-
19 lations shall ensure that such authority is exercised con-
20 sistent with all relevant ethical constraints and principles
21 including—

22 “(1) the avoidance of any prohibited conflict of
23 interest or appearance of impropriety; and

1 “(2) a prohibition against the acceptance of a
2 gift from a foreign government or an agent of a for-
3 eign government.”.

4 ***SEC. 412. FOREIGN LANGUAGE PROFICIENCY REQUIRE-***
5 ***MENTS FOR CENTRAL INTELLIGENCE AGEN-***
6 ***CY OFFICERS.***

7 (a) IN GENERAL.—Section 104A(g) of the National Se-
8 curity Act of 1947 (50 U.S.C. 403-4a(g)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph

11 (A)—

12 (i) by inserting “in the Directorate of
13 Intelligence career service or the National
14 Clandestine Service career service” after
15 “an individual”;

16 (ii) by inserting “or promoted” after
17 “appointed”; and

18 (iii) by striking “individual—” and
19 inserting “individual has been certified as
20 having a professional speaking and reading
21 proficiency in a foreign language, such pro-
22 ficiency being at least level 3 on the Inter-
23 agency Language Roundtable Language
24 Skills Level or commensurate proficiency
25 level using such other indicator of pro-

1 ficiency as the Director of the Central Intel-
2 ligence Agency considers appropriate.'';

3 (B) by striking subparagraphs (A) and (B);

4 and

5 (2) in paragraph (2), by striking ``position or
6 category of positions'' both places that term appears
7 and inserting ``position, category of positions, or oc-
8 cupation''.

9 (b) EFFECTIVE DATE.—Section 611(b) of the Intel-
10 ligence Authorization Act for Fiscal Year 2005 (Public Law
11 108-487; 50 U.S.C. 403-4a note) is amended—

12 (1) by inserting ``or promotions'' after ``appoint-
13 ments''; and

14 (2) by striking ``that is one year after the date''

15 (c) REPORT ON WAIVERS.—Section 611(c) of the Intel-
16 ligence Authorization Act for Fiscal Year 2005 (Public Law
17 108-487; 118 Stat. 3955) is amended—

18 (1) in the first sentence—

19 (A) by striking ``positions'' and inserting
20 ``individual waivers''; and

21 (B) by striking ``Directorate of Operations''
22 and inserting ``National Clandestine Service'';
23 and

1 (2) in the second sentence, by striking ``position
2 or category of positions'' and inserting ``position, ca
3 egory of positions, or occupation''.

4 (d) REPORT ON TRANSFERS.—Not later than 45 days
5 after the date of the enactment of this Act, and on an an
6 nual basis for each of the following 3 years, the Direct
7 of the Central Intelligence Agency shall submit to the co
8 gressional intelligence committees a report on the number
9 of Senior Intelligence Service employees of the Agency
10 who—

11 (1) were transferred during the reporting period
12 to a Senior Intelligence Service position in the Direc
13 torate of Intelligence career service or the National
14 Clandestine Service career service; and

15 (2) did not meet the foreign language require-
16 ments specified in section 104A(g)(1) of the National
17 Security Act of 1947 (50 U.S.C. 403-4a(g)(1)) at the
18 time of such transfer.

19 ***SEC. 413. PUBLIC AVAILABILITY OF INFORMATION REGARD-***
20 ***ING THE INSPECTOR GENERAL OF THE CEN-***
21 ***TRAL INTELLIGENCE AGENCY.***

22 Section 17 of the Central Intelligence Agency Act of
23 1949 (50 U.S.C. 403q) is amended by adding at the end
24 the following new subsection:

1 ``(h) INFORMATION ON WEBSITE.—(1) The Director of
2 the Central Intelligence Agency shall establish and main-
3 tain on the homepage of the Agency's publicly accessible
4 website information relating to the Office of the Inspector
5 General including methods to contact the Inspector General.
6 ``(2) The information referred to in paragraph (1)
7 shall be obvious and facilitate accessibility to the infor-
8 tion related to the Office of the Inspector General.''.
9

9 **SEC. 414. CREATING AN OFFICIAL RECORD OF THE OSAMA**

10 **BIN LADEN OPERATION.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) On May 1, 2011, United States personnel
13 killed terrorist leader Osama bin Laden during the
14 course of a targeted strike against his secret com-
15 pound in Abbottabad, Pakistan.

16 (2) Osama bin Laden was the leader of the al
17 Qaeda terrorist organization, the most significant ter-
18 rorism threat to the United States and the inter-
19 national community.

20 (3) Osama bin Laden was the architect of ter-
21 rorist attacks which killed nearly 3,000 civilians on
22 September 11, 2001, the most deadly terrorist attack
23 against our Nation, in which al Qaeda terrorists hi-
24 jacked four airplanes and crashed them into the
25 World Trade Center in New York City, the Pentagon

1 in Washington, D.C., and, due to heroic efforts by ci-
2 vilian passengers to disrupt the terrorists, near
3 Shanksville, Pennsylvania.

4 (4) Osama bin Laden planned or supported nu-
5 merous other deadly terrorist attacks against the
6 United States and its allies, including the 1998 bomb-
7 ings of United States embassies in Kenya and Tan-
8 zania and the 2000 attack on the U.S.S. Cole in
9 Yemen, and against innocent civilians in countries
10 around the world, including the 2004 attack on com-
11 muter trains in Madrid, Spain and the 2005 bomb-
12 ings of the mass transit system in London, England.

13 (5) Following the September 11, 2001, terrorist
14 attacks, the United States, under President George W.
15 Bush, led an international coalition into Afghanistan
16 to dismantle al Qaeda, deny them a safe haven in Af-
17 ghanistan and ungoverned areas along the Pakistani
18 border, and bring Osama bin Laden to justice.

19 (6) President Barack Obama in 2009 committed
20 additional forces and resources to efforts in Afghani-
21 stan and Pakistan as ``the central front in our endur-
22 ing struggle against terrorism and extremism''.

23 (7) The valiant members of the United States
24 Armed Forces have courageously and vigorously pur-

1 sued al Qaeda and its affiliates in Afghanistan and
2 around the world.

3 (8) The anonymous, unsung heroes of the intel-
4 ligence community have pursued al Qaeda and affili-
5 ates in Afghanistan, Pakistan, and around the world
6 with tremendous dedication, sacrifice, and profes-
7 sionalism.

8 (9) The close collaboration between the Armed
9 Forces and the intelligence community prompted the
10 Director of National Intelligence, General James
11 Clapper, to state, ``Never have I seen a more remark-
12 able example of focused integration, seamless collabo-
13 ration, and sheer professional magnificence as was
14 demonstrated by the Intelligence Community in the
15 ultimate demise of Osama bin Laden.''.
16

17 (10) While the death of Osama bin Laden rep-
18 resents a significant blow to the al Qaeda organiza-
19 tion and its affiliates and to terrorist organization
20 around the world, terrorism remains a critical threat
21 to United States national security.

22 (11) President Obama said, ``For over two dec-
23 ades, bin Laden has been al Qaeda's leader and sym-
24 bol, and has continued to plot attacks against our
25 country and our friends and allies. The death of bin

1 Laden marks the most significant achievement to date
2 in our Nation's effort to defeat al Qaeda.''.
3

4 (b) SENSE OF CONGRESS.—It is the sense of Congress
5 that—

6 (1) the raid that killed Osama bin Laden dem-
7 onstrated the best of the intelligence community's ca-
8 pabilities and teamwork;

9 (2) for years to come, Americans will look back
10 at this event as a defining point in the history of the
11 United States;

12 (3) it is vitally important that the United States
13 memorialize all the events that led to the raid so that
14 future generations will have an official record of the
15 events that transpired before, during, and as a result
16 of the operation; and

17 (4) preserving this history now will allow the
18 United States to have an accurate account of the
19 events while those that participated in the events are
20 still serving in the Government.

21 (c) REPORT ON THE OPERATION THAT KILLED OSAMA
22 BIN LADEN.—Not later than 90 days after the completion
23 of the report being prepared by the Center for the Study
24 of Intelligence that documents the history of and lessons
25 learned from the raid that resulted in the death of Osama
bin Laden, the Director of the Central Intelligence Agency

1 shall submit such report to the congressional intelligence
2 committees.

3 (d) PRESERVATION OF RECORDS.—The Director of the
4 Central Intelligence Agency shall preserve any records, in-
5 cluding intelligence information and assessments, used to
6 generate the report described in subsection (c).

7 ***SEC. 415. RECRUITMENT OF PERSONNEL IN THE OFFICE OF***

8 ***THE INSPECTOR GENERAL.***

9 (a) STUDY.—The Inspector General of the Office of
10 Personnel Management, in consultation with the Inspector
11 General of the Central Intelligence Agency, shall carry out
12 a study of the personnel authorities and available personnel
13 benefits of the Office of the Inspector General of the Cen-
14 tral Intelligence Agency. Such study shall include—

15 (1) identification of any barriers or disincentives
16 to the recruitment or retention of experienced inves-
17 tigators within the Office of the Inspector General of
18 the Central Intelligence Agency; and

19 (2) a comparison of the personnel authorities of
20 the Inspector General of the Central Intelligence
21 Agency with personnel authorities of Inspectors Gen-
22 eral of other agencies and departments of the United
23 States, including a comparison of the benefits avail-
24 able to experienced investigators within the Office of
25 the Inspector General of the Central Intelligence

1 Agency with similar benefits available within the of-
 2 fices of Inspectors General of such other agencies or
 3 departments.

4 (b) RECOMMENDATIONS.—Not later than 120 days
 5 after the date of the enactment of this Act, the Inspect-
 6 General of the Office of Personnel Management shall submit
 7 to the congressional intelligence committees and the Com-
 8 mittee on Homeland Security and Governmental Affairs of
 9 the Senate and the Committee on Oversight and Govern-
 10 ment Reform of the House of Representatives—

11 (1) a report on the results of the study conducted
 12 under subsection (a); and

13 (2) any recommendations for legislative action
 14 based on such results.

15 (c) FUNDING.—Of the funds authorized to be appro-
 16 priated by this Act, the Director of National Intelligen-
 17 shall transfer to the Inspector General of the Office of
 18 sonnel Management such sums as may be necessary to carry
 19 out this section.

20 ***Subtitle C—National Security***
 21 ***Agency***

22 ***SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECU-***
 23 ***RITY AGENCY SECURITY PERSONNEL.***

24 (a) AUTHORITY TO TRANSPORT APPREHENDED PER-
 25 SONS.—Paragraph (5) of section 11(a) of the National Se-

1 curity Agency Act of 1959 (50 U.S.C. 402 note) is amended
2 to read as follows:

3 “(5) Agency personnel authorized by the Director
4 under paragraph (1) may transport an individual appre-
5 hended under the authority of this section from the premise
6 at which the individual was apprehended, as described in
7 subparagraph (A) or (B) of paragraph (1), for the purpose
8 of transferring such individual to the custody of law en-
9 forcement officials. Such transportation may be provided
10 only to make a transfer of custody at a location within 3
11 miles of the premises described in subparagraphs (A) and
12 (B) of paragraph (1).”.

13 (b) CONFORMING AMENDMENT RELATING TO TORT LI-
14 ABILITY.—Paragraph (1) of section 11(d) of the National
15 Security Agency Act of 1959 (50 U.S.C. 402 note) is amend-
16 ed—

17 (1) in subparagraph (B), by striking “or” at the
18 end;

19 (2) in subparagraph (C), by striking the period
20 at the end and inserting “; or”; and

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(D) transport an individual pursuant to sub-
24 section (a)(2).”.

1 ***Subtitle D—Other Elements***

2 ***SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE AND***
 3 ***ANALYSIS OF THE DEPARTMENT OF HOME-***
 4 ***LAND SECURITY AS ELEMENT OF THE INTEL-***
 5 ***LIGENCE COMMUNITY.***

6 Section 3(4)(K) of the National Security Act of 1947
 7 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

8 ``(K) The Office of Intelligence and Analysis
 9 of the Department of Homeland Security.''.
 10 ***SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICIPA-***

11 ***TION IN THE DEPARTMENT OF JUSTICE***
 12 ***LEAVE BANK.***

13 Subsection (b) of section 6372 of title 5, United States
 14 Code, is amended to read as follows:

15 ``(b)(1) Except as provided in paragraph (2) and not-
 16 withstanding any other provision of this subchapter, neither
 17 an excepted agency nor any individual employed in or
 18 under an excepted agency may be included in a leave bank
 19 program established under any of the preceding provisions
 20 of this subchapter.

21 ``(2) Notwithstanding any other provision of law, the
 22 Director of the Federal Bureau of Investigation may au-
 23 thorize an individual employed by the Bureau to partici-
 24 pate in a leave bank program administered by the Depart-
 25 ment of Justice under this subchapter if in the Director

1 judgment such participation will not adversely affect the
 2 protection of intelligence sources and methods.''.
 3

4 **SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR AP-**
 5 **PROPRIATIONS AND OTHER AMOUNTS FOR**
 6 **INTELLIGENCE ELEMENTS OF THE DEPART-**
 7 **MENT OF DEFENSE.**

8 (a) IN GENERAL.—Chapter 21 of title 10, United
 9 States Code, is amended by inserting after section 428 the
 10 following new section:

11 **“§429. Appropriations for Defense intelligence ele-**
 12 **ments: accounts for transfers; transfer au-**
 13 **thority**

14 “(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE
 15 INTELLIGENCE ELEMENTS.—The Secretary of Defense may
 16 transfer appropriations of the Department of Defense which
 17 are available for the activities of Defense intelligence
 18 elements to an account or accounts established for receipt of
 19 such transfers. Each such account may also receive transfers
 20 from the Director of National Intelligence if made pursuant
 21 to Section 102A of the National Security Act of 1947 (50
 22 U.S.C. 403-1), and transfers and reimbursements arising
 23 from transactions, as authorized by law, between a Defense
 24 intelligence element and another entity. Appropriation bal-
 25 ances in each such account may be transferred back to the

1 account or accounts from which such appropriations origi-
2 nated as appropriation refunds.

3 ``(b) RECORDATION OF TRANSFERS.—Transfers made
4 pursuant to subsection (a) shall be recorded as expenditur
5 transfers.

6 ``(c) AVAILABILITY OF FUNDS.—Funds transferred
7 pursuant to subsection (a) shall remain available for the
8 same time period and for the same purpose as the appro-
9 priation from which transferred, and shall remain subject
10 to the same limitations provided in the act making the ap-
11 propriation.

12 ``(d) OBLIGATION AND EXPENDITURE OF FUNDS.—
13 Unless otherwise specifically authorized by law, funds
14 transferred pursuant to subsection (a) shall only be obl
15 gated and expended in accordance with chapter 15 of title
16 31 and all other applicable provisions of law.

17 ``(e) DEFENSE INTELLIGENCE ELEMENT DEFINED.—
18 In this section, the term 'Defense intelligence element
19 means any of the Department of Defense agencies, offices,
20 and elements included within the definition of 'intelligen
21 community' under section 3(4) of the National Security Act
22 of 1947 (50 U.S.C. 401a(4)).''.

23 (b) CLERICAL AMENDMENT.—The table of sections at
24 the beginning of subchapter I of such chapter is amended
25 by adding at the end the following new item:

``429. Appropriations for Defense intelligence elements: accounts for transfer
transfer authority.''.

1 **SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE**

2 **INTELLIGENCE WORKFORCE.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Director of National Int
5 ligence and the Under Secretary of Defense for Intelligenc
6 shall submit to the Permanent Select Committee on Intel-
7 ligence and the Committee on Armed Services of the House
8 of Representatives and the Select Committee on Intelligence
9 and the Committee on Armed Services of the Senate a re-
10 port on the training standards of the defense intelligen
11 workforce. Such report shall include—

12 (1) a description of existing training, education,
13 and professional development standards applied to
14 personnel of defense intelligence components; and

15 (2) an assessment of the ability to implement a
16 certification program for personnel of the defense in-
17 telligence components based on achievement of re-
18 quired training, education, and professional develop-
19 ment standards.

20 (b) DEFINITIONS.—In this section:

21 (1) DEFENSE INTELLIGENCE COMPONENTS.—The
22 term ``defense intelligence components'' means—

23 (A) the National Security Agency;

24 (B) the Defense Intelligence Agency;

1 (C) the National Geospatial-Intelligence
2 Agency;

3 (D) the National Reconnaissance Office;

4 (E) the intelligence elements of the Army,
5 the Navy, the Air Force, and the Marine Corps;
6 and

7 (F) other offices within the Department of
8 Defense for the collection of specialized national
9 intelligence through reconnaissance programs.

10 (2) DEFENSE INTELLIGENCE WORKFORCE.—The
11 term ``defense intelligence workforce`` means the per-
12 sonnel of the defense intelligence components.

13 ***TITLE V—OTHER MATTERS***

14 ***SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE***

15 ***OF UNMANNED AERIAL VEHICLES ALONG THE***

16 ***BORDER OF THE UNITED STATES AND MEX-***

17 ***ICO.***

18 Not later than 90 days after the date of the enactment
19 of this Act, the Secretary of Homeland Security shall sub-
20 mit to the congressional intelligence committees, the Com-
21 mittee on Homeland Security of the House of Representa-
22 tives, and the Committee on Homeland Security and Gov-
23 ernmental Affairs of the Senate a report on whether restri-
24 tions on the use of airspace are hampering the use of un-
25 manned aerial vehicles by the Department of Homeland Se-

1 curity along the international border between the United
2 States and Mexico.

3 ***SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION***

4 ***OF FUSION CENTERS.***

5 It is the sense of Congress that ten years after the t
6 rorist attacks upon the United States on September 11,
7 2001, the Secretary of Homeland Security, in consultation
8 with the Director of National Intelligence, should continu
9 to integrate and utilize fusion centers to enlist all of
10 intelligence, law enforcement, and homeland security capa-
11 bilities of the United States in a manner that is consiste
12 with the Constitution to prevent acts of terrorism agains
13 the United States.

14 ***SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE***

15 ***DEVICES.***

16 (a) STRATEGY.—

17 (1) ESTABLISHMENT.—The Director of National
18 Intelligence and the Secretary of Defense shall estab-
19 lish a coordinated strategy utilizing all available per-
20 sonnel and assets for intelligence collection and anal-
21 ysis to identify and counter network activity and op-
22 erations in Pakistan and Afghanistan relating to the
23 development and use of improvised explosive devices.

24 (2) CONTENTS.—The strategy established under
25 paragraph (1) shall identify—

1 (A) the networks that design improvised ex-
2 plosive devices, provide training on improvised
3 explosive device assembly and employment, and
4 smuggle improvised explosive device components
5 into Afghanistan;

6 (B) the persons and organizations not di-
7 rectly affiliated with insurgents in Afghanistan
8 who knowingly enable the movement of commer-
9 cial products and material used in improvised
10 explosive device construction from factories and
11 vendors in Pakistan into Afghanistan;

12 (C) the financiers, financial networks, insti-
13 tutions, and funding streams that provide re-
14 sources to the insurgency in Afghanistan; and

15 (D) the links to military, intelligence serv-
16 ices, and government officials who are complicit
17 in allowing the insurgent networks in Afghani-
18 stan to operate.

19 (b) REPORT AND IMPLEMENTATION.—Not later than
20 120 days after the date of the enactment of this Act, the
21 Director of National Intelligence and the Secretary of De-
22 fense shall—

23 (1) submit to the congressional intelligence com-
24 mittees and the Committees on Armed Services of the
25 House of Representatives and the Senate a report con-

1 taining the strategy established under subsection (a);
2 and

3 (2) implement such strategy.

4 ***SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY***

5 ***OF RAILWAY TRANSPORTATION SECURITY.***

6 It is the sense of Congress that—

7 (1) the nation's railway transportation (includ-
8 ing subway transit) network is broad and technically
9 complex, requiring robust communication between
10 private sector stakeholders and the intelligence com-
11 munity to identify, monitor, and respond to threats;

12 (2) the Department of Homeland Security Office
13 of Intelligence and Analysis maintains a constructive
14 relationship with other Federal agencies, state and
15 local governments, and private entities to safeguard
16 our railways; and

17 (3) railway transportation security (including
18 subway transit security) should continue to be
19 prioritized in the critical infrastructure threat asses-
20 ment developed by the Office of Intelligence and Anal-
21 ysis and included in threat assessment budgets of the
22 intelligence community.

1 **SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
2 **URITY ACT OF 1947.**

3 The National Security Act of 1947 (50 U.S.C. 401 et
4 seq.) is amended—

5 (1) in section 3(6) (50 U.S.C. 401a(6)), by strik-
6 ing ``Director of Central Intelligence'' and inserting
7 ``Director of National Intelligence'';

8 (2) in section 506(b) (50 U.S.C. 415a(b)), by
9 striking ``Director of Central Intelligence.'' and in-
10 serting ``Director of National Intelligence.''; and

11 (3) in section 506A(c)(2)(C) (50 U.S.C. 415a-
12 1(c)(2)(C)), by striking ``National Foreign Intelligence
13 Program'' both places that term appears and insert-
14 ing ``National Intelligence Program''.

15 **SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED**
16 **STATES CODE.**

17 Section 351(a) of title 18, United States Code, is
18 amended—

19 (1) by inserting ``the Director (or a person nomi-
20 nated to be Director during the pendency of such
21 nomination) or Principal Deputy Director of Na-
22 tional Intelligence,'' after ``in such department,''; and

23 (2) by striking ``Central Intelligence,'' and in-
24 serting ``the Central Intelligence Agency,''.
25

1 ***SEC. 507. BUDGETARY EFFECTS.***

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go-Act of 2010,
4 shall be determined by reference to the latest statement titled
5 ``Budgetary Effects of PAYGO Legislation`` for this Act,
6 submitted for printing in the Congressional Record by the
7 Chairman of the Senate Budget Committee, provided that
8 such statement has been submitted prior to the vote on passage.
9

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

H.R. 1892

AMENDMENT